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C O N F I D E N T I A L SECTION 01 OF 02 TOKYO 000529

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E.O. 12958: DECL: 02/27/2018  
TAGS: [PREL](#) [PHUM](#) [PGOV](#) [KDEM](#) [BM](#) [JA](#)  
SUBJECT: UPDATE ON SITUATION IN BURMA PROVIDED TO UN  
SPECIAL ADVISOR GAMBARI

REF: TOKYO 515

Classified By: Ambassador J.T. Schieffer for reasons 1.4(b) and (d)

¶1. (C) Following up on UN Special Advisor for Burma Ibrahim Gambari's request (ref) for an update on the situation in Burma, Embassy Tokyo February 28 provided to him the following non-paper, which was prepared for him by Embassy Rangoon. Gambari was very grateful to receive the information, but had no immediate substantive comments. Japanese Foreign Minister Koumura and Vice Foreign Minister Yabunaka are scheduled to meet with Gambari during his stay in Tokyo, and, according to press reports, will convey to him Japan's support for his proposed plan to offer Burma wide-ranging support to help the transition to democratization.

¶2. (SBU) Embassy Rangoon has cleared this cable and has no objection if posts wish to share the below non-paper with interlocutors.

¶3. (SBU) BEGIN TEXT:

Political conditions in Burma have become more restrictive than ever. Although the military government has announced a time-frame for its constitutional referendum and multi-party elections, its behavior and public statements signal that it has no intention of leveling the playing field, allowing free and fair debate, or letting key pro-democracy activists out of jail to participate in the referendum. Contrary to requests by Secretary General Ban, Special Advisor Gambari, and the UN Security Council, the regime continues to arrest and prosecute peaceful political activists and to resist a genuine dialogue with democratic and ethnic minority representatives.

Although a few political prisoners have been released, many more arrests of political activists continue, a few people at a time on a weekly basis. The authorities continue to watch monasteries and monks closely. The visible presence of monks in the streets of Rangoon remains significantly below pre-September levels. Criminal charges have been filed against the peaceful demonstrators who were detained last August and September. Ten leaders of the 88 Generation Students, including Min Ko Naing and Ko Ko Gyi, recently were charged for violating the Printers and Publishers Registration Law. U Gambira, one of the monks who organized the September protests, has been charged for unlawful associations as well as for violations of the Emergency Provisions Law. The house arrest of Aung San Suu Kyi's 80-year old deputy in the National League for Democracy, U Tin Oo, was renewed for another year. Military offensives against ethnic minorities continue along with the accompanying abuses of civilians including displacement, forced labor, and sexual violence.

The military's limited meetings with Aung San Suu Kyi (ASSK) have produced no concrete results. Aung Kyi met ASSK twice in January after a two month hiatus. She has only been allowed to meet twice with NLD elders, not the people she requested. In her most recent meeting with NLD party leaders, ASSK revealed that Aung Kyi informed her that no one higher in the regime would meet with her, no representatives of ethnic minorities would be allowed to join the dialogue, and the roadmap would not be made any more inclusive. These discussions appear only intended to gain ASSK's endorsement of the draft constitution without any modifications. After Special Advisor Gambari issued ASSK's statement urging a tri-partite with the ethnics, Than Shwe dispatched the hard-line Minister of Culture to bribe and threaten ethnic cease-fire groups into denouncing her overture. At least three groups (Kachins, Karens, and Mons) refused and have suffered consequences. Kachin Independence Organization offices were raided and its cell phones confiscated. The NLD has expressed its willingness to talk with ethnic groups on the need for democracy in Burma.

The draft Constitution has not been released to the public. Instead of using the drafting stage to consider alternatives, the hand-picked delegates were told to simply put into legal format the 104 basic principles adopted by the National Convention. Members of the drafting committee told us they were not allowed to make any revisions. Political activists and ethnic leaders familiar with the provisions tell us they could likely live with ninety percent of the draft constitution, if the regime would revise key statutes to include a more liberal amendment procedure; provide for a gradual phase-out of parliamentary seats reserved for the military; ease restrictions on who is eligible to run for office; and allow ethnic nationalities to have more political

TOKYO 00000529 002 OF 002

autonomy and control over natural resources in their territories, all provisions central to the regime's retention of power.

The new election law published February 27, did not specify the date of the referendum, and designated government officials, including military commanders, to count the vote. It excluded political prisoners and members of religious orders from participating in the referendum. The election law also outlawed any activities or speech intended to "disrupt" the referendum, including a three year prison term for those who do. This appears intended to restrict debate and campaigning in advance of the referendum. The law only mandates the referendum commission to report votes in favor of the constitution, suggesting that votes against the constitution might not be reported at all. The Foreign Minister told ASEAN Foreign Ministers in Singapore earlier this month that ASSK would not be qualified to run in any elections due to her marriage to a foreigner. Indonesian President Yudhoyono and Singapore Foreign Minister George Yeo both have expressed concerns about whether the referendum will be credible and subject to international verification.

Absent progress to bring pro-democracy activists and ethnic representatives into a meaningful political dialogue, these groups have issued a number of statements criticizing the roadmap, blaming Burma's economic deterioration on the military's mismanagement, and urging the UNSC to pass binding resolutions on Burma. They are planning a campaign to "vote no" on the referendum. Burma's veteran politicians have called for wide distribution of the draft constitution, security and secrecy of the ballot, monitoring of the referendum by the UN, international observers, and the media, abolition of Law 5/96 (which criminalizes dissent), and release of all political prisoners to allow them to participate in the referendum. At the same time, talk of more protests continues to circulate widely, with sporadic demonstrations taking place already in smaller towns. Accelerating the implementation of the roadmap without addressing the underlying causes of popular discontent only

increases the likelihood of more instability in the future.

END TEXT.  
SCHIEFFER